

Environmental Regulations Guide

Section 2 Clean Water

2.0 Clean Water Act (CWA) and Safe Drinking Water Act (SDWA) 40 CFR Parts 130-149; 33 CFR Parts 276-279

The CWA and SDWA are two major laws that help protect the quality of the nation's water resources.

The Clean Water Act (CWA) is a 1977 amendment to the Federal Water Pollution Control Act (FWPCA) of 1972. It is designed to protect the surface waters of the United States oceans, lakes, rivers and streams from pollution emanating from municipal and industrial sources.

The Safe Drinking Water Act (SDWA) sets national health-based standards for contaminant levels in drinking water and ensures protection for sole source aquifers. The SDWA focuses on all waters actually or potentially designed for drinking use. The standards in the SDWA require water supply system operators to use best available technology (BAT) in order to meet national drinking water standards.

Also see Section 4 Pollution Prevention for details of the Federal Water Pollution Control Act (FWPCA) of 1972 which set the basic structure for regulating discharges of pollutants to waters of the United States. Its provisions include the National Pollutant Discharge Elimination System (NPDES) permits.

2.1 Clean Water Act: 40 CFR Parts 130-140

The Clean Water Act (CWA) is designed to protect surface waters of the United States (oceans, lakes, rivers and streams) from pollution emanating from municipal and industrial sources.

The CWA:

- regulates businesses which discharge wastewater containing oil, grease or other chemicals down the drain (SPCC), storm water discharges of runoff, wastewater discharges to any water of the U.S., runoff from construction sites and potential leaks from underground/above ground storage tanks (UST/AST) containing petroleum products or chemicals.
- requires water quality certifications and discharge permits for dredge and sand fill activities.
- requires coordination of federal, state, county and other water control agencies to ensure consistency.

In the State of Arizona, required actions include completing the 208 Consistency Review process, as well as requiring wastewater facilities to obtain reuse, construction and operational permits. Water system operators, as individuals, must be certified through the state program (ARS 49-361.2 and 49-352.A).

Boards and Commissions

Scottswater Company is a non-profit corporation formed to assist the city in providing water service to its citizens and customers by serving as the general partner of the entity that owns and operates the city's CAP Water Treatment Plant. The board of directors is responsible for monitoring the city's compliance with its obligations to operate the CAP plant.

2.1.1 Arizona Water Quality: ARS 45-101; ARS 49-201 (chapter 2); ARS 49-1201 (chapter 8) ; AAC Title 18 (chapters 4-7, 9-12 and 14-15); and A.G. Rule No. 892006

Purpose

The purpose of these regulations is to maintain clean water and prevent pollution by adopting state water quality standards, which may be more stringent than those set forth in the CWA.

Helpful Details

CAUTION: *In Maricopa County, water and wastewater permit and certification programs can be administered by several different agencies at the federal, state or county level. State agencies can attain and lose "primacy" over federal programs, and can also delegate and take back authority to administer permit programs to the county via Intergovernmental Agreements (IGAs). Therefore, the information in this Guide is current for the date it was last revised, but can change from time to time. Consult with the agencies listed in this section of the Guide to verify the information is current.*

Section 303 of the CWA requires states to develop their own water quality standards. Arizona has developed both numeric and narrative standards for navigable waters. Section 401 requires states to certify water quality through documents such as Section 404 and 402 Permits. ADEQ establishes state water quality certification of permits. EPA has the authority to approve or disapprove state standards and may promulgate new standards for states if their adopted standards are either inconsistent with the CWA or fail to incorporate the recommendations set forth by the EPA.

In Arizona, ADEQ has a special requirement for airport construction and expansion, based on the Airport and Airway Improvement Act of 1982: 49 USC 2208 (7)(A). The Water Quality Division and Air Quality Division both examine final environmental assessments or impact statements to ensure that federally funded airport construction projects comply with water and air quality requirements. ADEQ issues an Airport Construction and Expansion Certification.

Agency Contact

Arizona Department of Environmental Quality
Point Source and Monitoring
3033 N. Central Ave.
Phoenix, AZ 85012
(602) 207-4501

Actions Required

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- 2) write and submit plans and applications;*
- 3) file reports;*
- 4) make notifications;*
- 5) conduct testing and monitoring;*
- 6) obtain facility and individual certifications and licenses;*
- 7) train staff; and various other requirements.*

Also, remember that multiple permits are often required under each program and that most permits must be renewed annually or periodically.

State water quality certification (Section 401) is required from ADEQ for actions requiring a Section 404 or 402 permit. Certification requires compliance with state water quality standards. Water quality facilities must complete the 208 Consistency Review Requirements. Individual operators of water, distribution, wastewater and collection systems must be certified by the state. Contact ADEQ to request a list of exemptions.

Fees

None, at this time, for the permits. Individual certifications require: exam fee \$10; certificate fee \$15; and certificate renewal/reciprocity fee \$15.

Best Numbers to Call

City of Scottsdale Environmental Hotline: (480) 312-7899

ADEQ: (602) 207-4501

2.1.1.1 Clean Water Act: (Section 401) Water Quality Certification 33 CFR Part 320: 40 CFR Parts 121,131; ARS 49-201

Purpose

To ensure compliance with state water quality standards by periodically reviewing federally required licenses and permits, which regulate sources that discharge to waters of the U.S.

Helpful Details

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See also Sections 402 and 404 of the CWA, Executive Orders 89-16 and 91-6 and the Governor's Riparian Habitat Task Force Final Report. ADEQ utilizes Executive Orders 89-16 and 91-6, as well as the Governor's Riparian Habitat Task Force Final Report in its Section 401 water quality certification review.

Agency Contacts

Arizona Department of Environmental Quality
Point Source and Monitoring
3033 N. Central Ave.
Phoenix, AZ 85012
(602) 207-4501

For Section 404 Permits:
US Army Corps of Engineers
Regulatory Branch
3636 N. Central Ave.
Phoenix, AZ 85012
(602) 640-5385

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- 7) *train staff; and various other requirements.*

Also, remember that multiple permits are often required under each program and that most permits must be renewed annually or periodically.

Contact ADEQ early in the project-planning phase (of any projects where washes or watercourses certification is required and so that water quality protection measure is incorporated in the project's initial design, to save time and money). Should the project require a Section 402 permit from the EPA, the project will most likely need Section 401 water quality certification from ADEQ. If ADEQ denies water quality certification of a project, then the federal permit cannot be issued.

Fees

None at this time.

Best Numbers to Call

City of Scottsdale Environmental Hotline: (480) 312-7899
Arizona Department of Environmental Quality: (602) 207-4501

2.1.1.2 Clean Water Act: (Section 404) Dredge and Fill Permits 40 CFR Parts 124, 230-233; 33 CFR Parts 320-330; ARS 49-201

Purpose

The purpose of the Clean Water Act section 404 Permit program is to prevent pollution of watercourses from dredge and fill activities related to construction.

Helpful Details

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Section 404 establishes a permit program that regulates the discharge of dredged or fill materials into perennial, intermittent and ephemeral watercourses (including washes).

Agency Contacts

City of Scottsdale
Development Services
7447 E. Indian School Rd., Suite 100
Scottsdale, AZ 85251
(480) 321-2500

Arizona Department of Environmental Quality
Point Source and Monitoring
3033 N. Central Avenue
Phoenix, AZ 85012
(602) 207-4501

US Army of Corps of Engineers
Regulatory Branch
3636 N. Central Avenue
Phoenix, AZ 85012
(602) 640-5385

Actions Required

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- 6) obtain facility and individual certifications and licenses;*
- 7) train staff; and various other requirements.*

Also, remember that multiple permits are often required under each program and that most permits must be renewed annually or periodically.

Activities that result in a discharge to a watercourse, such as construction projects, most likely will require a Section 404 permit. Consult with the Corps early in your project planning stage to determine if you are dealing with a watercourse that falls under its jurisdiction.

A project may qualify for a nationwide permit, an individual permit or a Letter of Permission (this new procedure applies to certain projects within the City of Scottsdale's Environmentally Sensitive Lands area). Section 401 State Water Quality Certification from ADEQ is required prior to issuance of 404 permits from the Corps. It is important for you to consult with ADEQ early in your project to best incorporate their requirements for certification.

Section 404 individual permit review and approval averages 1 year; nationwide permits average about 3 months and Letter of Permission (LOP) is a new expedited process anticipated to take about 2 months. Time frames vary due to the complexity of the project and the Corps' workload.

City of Scottsdale requires evidence of compliance with Section 404 prior to approval of development plans. An LOP information packet is available from City of Scottsdale's Development Services Dept.

Fees

Contact the Corps of Engineers for fees and further information.

Best Numbers to Call

City of Scottsdale Development Services: (480) 312-2500

2.1.2 Wastewater: ARS 49-104.B.13; ARS 49-361; Maricopa County EHC chapter II

Purpose

To protect groundwater, surface water and human health, by monitoring and regulating the use of reclaimed effluent, and the construction and operation of wastewater treatment facilities.

Helpful Details

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Arizona Department of Environmental Quality (ADEQ) Arizona Department of Water Resources (ADWR), and Maricopa County Environmental Services (ESD) share jurisdiction over the various permit and certification programs for wastewater treatment facilities in Maricopa County. ADEQ has delegated authority to Maricopa County ESD for some permit programs but retains the reclaimed effluent permit

program and the operator certification program at the state level. Wastewater treatment plants are classified into Grades 1-4, with 4 the highest grade. Scottsdale's treatment facilities are all grade 4. In addition to the facility permits, individual operators working at the facility must have appropriate grade and level certification for that facility. Scottsdale wastewater treatment facilities must also have Aquifer Protection Permits (APP) (see section 2.2.3), Underwater Storage Facility permits (USF), and Air Pollution Control Permits.

Agency Contact

Arizona Department of Environmental Quality
Water Quality Division
Plan Review and Permits
3033 N. Central Ave.
Phoenix, AZ 85012
(602) 207-4687

AZ Dept. of Water Resources
500 N. Third Street
Phoenix, AZ 85004
(602) 417-2400

Actions Required

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- 3) *file reports;*
- 4) *make notifications;*
- 5) *conduct testing and monitoring;*
- 6) *obtain facility and individual certifications and licenses;*
- 7) *train staff; and various other requirements.*

Also, remember that multiple permits are often required under each program and that most permits must be renewed annually or periodically.

Permits to construct and then annual operation permits are required for all wastewater treatment plants. Maricopa County ESD Water and Waste Management Division issues these permits. Reclaimed effluent permits are obtained from ADEQ. These permits are valid for 5 years. Notify ADEQ within 120 days of expiration for renewal. Aquifer Protection Permits are obtained from ADEQ Operator Certifications for individuals are obtained from ADEQ. Underground Storage Facility (USF) permits are also required for wastewater treatment facilities that store reclaimed effluent in underground aquifers. USF permits are obtained from the Arizona Department of Water Resources. Air Pollution Control permits are obtained from the Maricopa County Environmental Services Department, Air Pollution Control Division.

Fees

Contact ADEQ, Maricopa County EHS and/or ADWR for fee schedules.

Best Numbers to Call

City of Scottsdale Environmental Hotline: (480) 312-7899

Arizona Department of Environmental Quality: (602) 207-4687

ADWR (602) 417-2400

Maricopa County ESD Water & Waste Management Division (602) 506-6666

2.1.3 Maricopa County Water Quality: Maricopa County EHC Chapters I, II, iV, V

Purpose

To regulate construction plans that may have an impact on Maricopa County's drinking water quality.

Helpful Details

CAUTION: *In Maricopa County, water and wastewater permit and certification programs can be administered by several different agencies at the federal, state or county level. State agencies can attain and lose "primacy" over federal programs, and can also delegate and take back authority to administer permit programs to the county via Intergovernmental Agreements (IGAs). Therefore, the information in this Guide is current for the date it was last revised, but can change from time to time. Consult with the agencies listed in this section of the Guide to verify the information is current.*

The Water and Waste Management Division of Maricopa County Environmental Services Department is responsible for approving construction plans for projects in the county involving potable water, waste water systems, water treatment facilities and wastewater treatment plants, public and semi-public swimming pools, individual sewage disposal systems and trailer parks.

Agency Contact

Maricopa County Environmental Services Department
Water and Waste Management Division
1001 N. Central Avenue, Suite 201
Phoenix, AZ 85004
(602) 506-6666
(602) 506-6925 (fax)

Actions Required

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- 7) train staff; and various other requirements.*

Also, remember that multiple permits are often required under each program and that most permits must be renewed annually or periodically.

Submit applications for permits to construct water and wastewater treatment facilities along with the applicable fees. Obtain permits to construct and operate. Annually renew permit to operate and pay application fees.

Fees

Maricopa County Environmental Health Code Chapter I, Regulation 5 contains the fee schedule for various water/wastewater permits.

Best Numbers to Call

City of Scottsdale Environmental Hotline: (480) 312-7899

Maricopa County Environmental Services Department: (602) 506-6666

2.2 Safe Drinking Water Act of 1974: 40 CFR Part 141

Purpose:

The purpose of the Safe Drinking Water Act (SDWA) is to set national health-based standards for levels of contaminants in drinking water and protect underground water supplies. The SDWA requires EPA to identify contaminants in drinking water that may adversely affect people's health and to specify for each contaminant a maximum contaminant level (MCL). The act requires water supply system operators to meet safe drinking water standards by using the best available technology (BAT).

Helpful Details

The SDWA sets standards to protect public health. The August 6, 1996 Amendments establish the concept of risk-based standard setting, whereby the process will focus on regulating those contaminants known to pose greater public health risks and emphasize responding on an emergency basis to contaminants in a water system that pose greater public health risk. The other primary focus of the SDWA is protection of aquifers or underground water supply sources. One of the primary regulatory emphasis is controlling underground injection wells. ADEQ administers and enforces the ground water quality standard in Arizona.

Agency Contacts

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| City of Scottsdale Water Resources Department 9388 E. San Salvador Rd. Scottsdale, AZ 85258 (480) 312-5685 | Arizona Department of Environmental Quality Point Source and Monitoring 3033 N. Central Avenue Phoenix, AZ 85012 (602) 207-2338 |
| United States Environmental Protection Agency Region IX 75 Hawthorne Street San Francisco, CA 94105 (415) 744-2125 | Maricopa County Environmental Services Department Water and Waste Management Division 1001 N. Central Avenue, Suite 201 Phoenix, AZ 85004 (602) 506-6666 (602) 506-6925 (fax) |

Actions Required

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- 7) *train staff; and various other requirements.*

Also, remember that multiple permits are often required under each program and that most permits must be renewed annually or periodically.

The City of Scottsdale Water Resources Department (WRD) operates and is responsible for complying with permitting, operating, monitoring, testing and reporting on the city's drinking water system. To protect the city's drinking water supply, the WRD enforces pretreatment standards and effluent limitations. The WRD also identifies and registers dry wells.

[Consumer Confidence Report Rule:](#) Beginning in 1999 a right-to-know rule requires water systems to provide annual water quality reports to their customers. The City of Scottsdale annual [Consumer Confidence Reports](#) are available on line.

Fees

Fees for constructing and operating water system facilities vary and are administered by ADEQ and Maricopa County ESD Water & Water Management Division.

Best Numbers to Call

City of Scottsdale Water Resources Department: (480) 312-5685

2.2.1 Groundwater: 40 CFR Parts 144-149; USC Title 33, chapter 26 AAC Title 18 chapters 6,9,1,14, ARS 49-201; Maricopa County EHC chapter V

Purpose

To protect groundwater supplies by guarding against or requiring cleanup of contamination of groundwater from leaking UST's, sudden accidental releases, improper disposal of wastes and hazardous waste treatment, storage and disposal facility (TSDF) operation. The state incorporates the Federal policies into its program.

Helpful Details

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NEPA requires that groundwater quality be considered in any environmental impact statement. ADEQ administers and enforces the groundwater quality standards in Arizona throughout Arizona, and Maricopa County EHS administrators certain programs in the county.

Agency Contacts

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|--|--|
| Arizona Department of Environmental Quality Water Quality Division 3033 N. Central Ave. Phoenix, AZ 85012 (602) 207-4687 | Maricopa County Environmental Services Department Water and Waste Management Division 1001 N. Central Avenue, Suite 201 Phoenix, AZ 85004 (602) 506-6666 (602) 506-6925 (fax) |
| U.S. Environmental Protection Agency (EPA) Office of Groundwater and Drinking Water 401 M Street SW Washington, DC 20460 (202) 260-5543 | City of Scottsdale Water Resources Department 9388 E. San Salvador Rd. Scottsdale, AZ 85258 (480) 312-5685 |

Actions Required

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Also, remember that multiple permits are often required under each program and that most permits must be renewed annually or periodically.

A large number of programs require permits, certifications and registration to ensure protection of groundwater.

See related sections of this Guide:

- 2.1.1.1 Section 401 Water Quality Certification
- 2.1.1.2 Section 404 Dredge & Fill Discharge Permits
- 2.1.2 Wastewater
- 2.2.2 Water Systems
- 2.2.3 Aquifer Protection Permits
- 2.2.4 Dry Well Registration
- 3.1 & 3.2 UST/AST
- 4.2 NPDES Permits
- 4.3 Stormwater
- 6.1 RCRA

ADEQ administers the Nonpoint Source Discharge program, which includes the Arizona Pesticide Contamination Prevention Program. ADEQ is working toward unified Water Quality Permit Rules. City operations are impacted by the urban run-off, construction and pesticide requirements administered by ADEQ.

Fees

[ADEQ Water Permit & Compliance Fees](#)

Best Numbers to Call

ADEQ's Water Quality Compliance: (602) 234-5677 or (602) 207-4466

EPA, Office of Groundwater and Drinking Water: (202) 260-5543

2.2.2 Arizona Water Systems: ARS 49-351; AAC Title 18, chapters 9 & 11

Purpose

To protect human health and the environment by regulating public water systems.

Helpful Details

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EPA classifies groundwater according to its use or potential use as drinking water, then applies standards (numeric or narrative) to protect water quality. EPA also encourages states to follow a voluntary approach, i.e. Comprehensive State Ground Water Protection Program (CSGWPP) to increase that state's overall capacity to protect water quality. See the previous section on Groundwater for details on permit programs to protect water supplies.

ADEQ then regulates the public water systems and subdivision water systems that treat and deliver water to citizens. Permits are required to construct new water systems and to operate public and subdivision water systems. Operating permit conditions include monitoring, testing, and reporting on water quality. Appropriate operator certification is required.

Agency Contacts

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|--|--|
| U.S. Environmental Protection Agency (EPA) Permits Division 401 M Street SW Washington, DC 20460 (202) 554-1404 | Arizona Department of Environmental Quality Water Quality Division 3033 N. Central Avenue Phoenix, AZ 85012 (602) 207-2338 |
| United States Environmental Protection Agency Region IX 75 Hawthorne Street San Francisco, CA 94105 (415) 744-2125 | City of Scottsdale Water Resources Department 9388 E. San Salvador Rd. Scottsdale, AZ 85258 (480) 312-5685 |

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- 7) *train staff; and various other requirements.*

Also, remember that multiple permits are often required under each program and that most permits must be renewed annually or periodically.

The City of Scottsdale Water Resources Department is responsible for complying with all requirements for operating and maintaining the city's water system.

Fees

ADEQ assesses fees for application review and annual inspections. See the [ADEQ Fee Schedule](#) for specific fees.

Best Numbers to Call

City of Scottsdale Environmental Hotline: (480) 312-7899

Arizona Department of Environmental Quality: (602) 207-2338

2.2.3 Aquifer Protection Permit (APP): ARS 49-241; AAC Title 18, chapter 9, Article 1

Purpose

To protect water quality by requiring the Best Available Demonstration Control Technology (BADCT) be used by "discharging facilities" to minimize the impact of pollution discharge to surface and ground waters from point source discharges.

Helpful Details

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There are three types of Aquifer Protection Permits: Individual, General, & Area-wide permits. Facilities can also obtain an exemption from requiring an APP.

Agency Contact

Arizona Department of Environmental Quality
Office of Water Quality
Plan Review and Permits Section
3033 N. Central Ave.
Phoenix, AZ 85012
(602) 207-4687

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- 7) *train staff; and various other requirements.*

Also, remember that multiple permits are often required under each program and that most permits must be renewed annually or periodically.

A permit is required for any person who discharges or who owns or operates a facility that discharges as described above. Contact ADEQ to determine whether the project qualifies under an individual area wide or general permit.

Fees

Fees for individual permits begin at \$1,350 and are based on the type of facility and its number of separate discharges. There are no fees for activities under the general permit.

Best Numbers to Call

City of Scottsdale Environmental Hotline: (480) 312-7899

Arizona Department of Environmental Quality: (602) 207-4687

2.2.4 Dry Well Registration: ARS 49-331; AAC Title 18, chapter 9

Purpose

To protect groundwater by requiring registration and conformance to ADEQ standards of performance, operation, construction design, closure, location, and inspection of dry wells.

Helpful Details

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ADEQ Office of Water Quality is in charge of regulating and registering dry wells. Dry wells are designed and constructed specifically for the disposal of storm water (and do not include classes 1-4 injection wells). Dry wells constructed for golf course maintenance are exempt from these requirements.

Agency Contact

Arizona Department of Environmental Quality
Dry Wells Unit
3033 N. Central Ave.
Phoenix, AZ 85012
(602) 207-4686
Dry Well Hotline (877)800-3207

Actions Required

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Also, remember that multiple permits are often required under each program and that most permits must be renewed annually or periodically.

Registration of dry wells with ADEQ is required within 30 days prior to the commencement of dry well construction. An Aquifer Protection Permit is required for dry wells, which drain areas where hazardous and toxic substances are handled or stored. All dry well abandonments shall follow ADEQ's requirements. Abandonment of a dry well at an industrial site may also be subject to the Aquifer Protection Permit requirements.

Fees

A fee of \$10 per dry well is required for registering up to 10 dry wells at one location.

Best Numbers to Call

City of Scottsdale Environmental Hotline: (480) 312-7899

Arizona Department of Environmental Quality: (602) 207-4686